

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

New claims 7-11 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-11 are now pending in this application.

### **Rejection under 35 U.S.C. § 103**

Claims 1 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,237,680 (hereafter “Davis”) in view of U.S. Patent No. 5,355,941 (hereafter “Blankenberger et al.”). This rejection is respectfully traversed.

Amended claim 1 recites a countercurrent heat exchanger comprising a pair of heat exchanger cores having multiple tubes and fins which are arranged alternately, the heat exchanger cores being arranged next to each other in a depth direction thereof; a U-turn intermediate tank connected with one end sides of the tubes contained in the heat exchanger cores; an inflow-side tank connected with the other end sides of the tubes contained in one of the heat exchanger cores; and an outflow-side tank formed to be separated from the inflow-side tank, the outflow-side tank being connected with the other end sides of the tubes contained in the other of the heat exchanger cores, wherein the inflow-side tank, the outflow-side tank and the intermediate tank are attached to a vehicle body side, wherein the inflow-side tank and the outflow-side tank are attached to the vehicle body side through brackets and bolts which are set to allow a relative movement therebetween so that the both heat exchanger cores can expand and contract independently from each other with respect to the intermediate tank. Claim 4 depends from claim 1.

Davis discloses a radiator that includes a front portion 10 and a rear portion 11 that have conduits 20, 30 connected to one another. See Davis at col. 2, lines 36-48. However, as indicated by the Office on page 2 of the Office Action, Davis does not disclose or suggest how the radiator is attached to a vehicle body. Davis does not disclose or suggest a countercurrent heat exchanger, “wherein the inflow-side tank and the outflow-side tank are attached to the vehicle body side through brackets and bolts which are set to allow a relative movement therebetween so that the both heat exchanger cores can expand and contract independently from each other with respect to the intermediate tank.”

Blankenberger et al. discloses a heat exchanger 10 that includes elongate manifold assemblies 12, 14 and a sealing apparatus that seals terminating ends of the manifold assemblies 12, 14. See Blankenberger et al. at col. 2, lines 37, to col. 3, line 1. The sealing apparatus 26 provides a mounting attachment to secure the heat exchanger 10 to a vehicle and can include an attachment portion 30 that receives a mounting fastener to secure the heat exchanger to a vehicle. See Blankenberger et al. at col. 3, lines 1-4, 13-16. The attachment member 30 can be configured to receive a mounting block, which can insulate against noise and vibration. See Blankenberger et al. at col. 3, lines 54-63.

However, Blankenberger et al. does not disclose or suggest that the sealing apparatus 26 or other attachment device is configured to permit a relative movement so that an inflow-side tank and an outflow-side tank can expand and contract independently from each other with respect to an intermediate tank. Therefore, Blankenberger et al. does not disclose or suggest a countercurrent heat exchanger, “wherein the inflow-side tank and the outflow-side tank are attached to the vehicle body side through brackets and bolts which are set to allow a relative movement therebetween so that the both heat exchanger cores can expand and contract independently from each other with respect to the intermediate tank.”

It would not have been obvious to one of ordinary skill to combine the teachings of Davis and Blankenberger et al. to provide all of the features of amended claim 1. A basic requirement of a *prima facie* case of obviousness is that a prior art reference, or prior art references when combined, must teach or suggest all of the claim limitations. See M.P.E.P. §§ 2143, 2143.03. The Office has not set forth a *prima facie* case of obviousness because

Davis and Blankenberger et al., alone or in combination, fail to disclose or suggest all of the features of amended claim 1. Furthermore, a *prima facie* case of obviousness cannot be made on the basis of Davis and Blankenberger et al. because these references fail to disclose or suggest all of the features of amended claim 1.

For at least the reasons discussed above, withdrawal of this rejection is respectfully requested.

**Allowable Subject Matter**

Applicant gratefully acknowledges the indication by the Office that claims 2, 3, 5, and 6 contain allowable subject matter.

**New Claims**

New claims 7-11 have been added. Claims 7-9 depend from claim 1. Therefore, Applicant submits that claims 7-9 are allowable over the prior art for at least the reasons discussed above. Furthermore, claims 7-9 recite configurations of a countercurrent heat exchanger not disclosed or suggested by the prior art. New claim 10 corresponds in scope to former claim 2 and new claim 11 corresponds in scope to former claim 3.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for

such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 12, 2007

By Thomas G. Belcher Reg. No. 43,438

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 945-6162  
Facsimile: (202) 672-5399

for Pavan K. Agarwal  
Attorney for Applicant  
Registration No. 40,888